

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 23-MJ-605-MJP

IAN MILAM,

Defendant

CRIMINAL COMPLAINT

I, Christa Thomas, Special Agent, Federal Bureau of Investigations, the complainant in this case, state that the following is true to the best of my knowledge and belief:

Beginning on or before May 3, 2023 through and including on or about August 9, 2023, in the Western District of New York, the defendant **IAN MILAM** knowingly violated Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), 2252A(a)(5)(B), and 1470, offenses described as follows:

The defendant did knowingly employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials that had been mailed, shipped or transported in or affecting interstate or foreign commerce; and

The defendant did knowingly receive material that contained child pornography using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer;

The defendant did knowingly possess material that contained an image of child pornography that involved a prepubescent minor and a minor who had not attained 12 years of age, that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; and

The defendant, using a facility or means of interstate or foreign commerce, did knowingly transfer obscene matter to another individual who had not attained the age of 16 years of age. This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF CHRISTA THOMAS, SA, FBI

☒ Continued on the attached sheet.

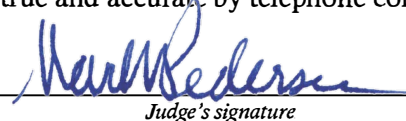

Complainant's signature

Christa Thomas, SA, FBI

Printed name and title

Application submitted by email/pdf and attested to me and before me as true and accurate by telephone consistent with Fed.R.Crim.P. 4.1 and 41(d)(3).

Date: August 9, 2023


Judge's signature

City and State: Rochester, New York

HON. MARK W. PEDERSEN, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:
CITY OF ROCHESTER)

I, CHRISTA M. THOMAS, being duly sworn, depose and state:

1. I have been employed as a Special Agent of the FBI since December 2020 and am currently assigned to the Rochester, NY Resident Agency. I am responsible for investigating federal crimes, including violations of 18 U.S.C. §§ 2251(a), 2252A(a)(2)(A), and 2252A(a)(5)(B) involving the production, receipt, distribution, and possession of child pornography.

2. I submit this affidavit in support of a criminal complaint charging IAN MILAM with knowingly violating 18 U.S.C. §§ 2251(a) (production of child pornography), 2252A(a)(2)(A) (receipt of child pornography), 2252A(a)(5)(B) (possession of child pornography), and 1470 (transfer of obscene material to a minor) (hereinafter, collectively the “TARGET OFFENSES”).

3. In summary, MILAM is a sixth-grade math teacher at Cosgrove Middle School, in the Spencerport School District. MILAM created two Snapchat accounts and used those accounts to have inappropriate conversations with numerous users who identified themselves as minor females. MILAM posed as a minor male and used photographs of a minor male (without that minor’s knowledge or permission) to create his online persona. In the course of this conduct, MILAM distributed an image of his naked penis to MV1, an 11-year-old female student in the Spencerport School District. MILAM also persuaded MV2,

a 12-year-old female who was one of MILAM's students, to produce pornographic images of herself and send them to MILAM.

4. The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents and records related to this case.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause to support a criminal complaint, I have not included every fact known to me as a result of this investigation. Rather, I have set forth facts that I believe are relevant to establish that MILAM knowingly committed the TARGET OFFENSES.

Investigation by Greece Police Department

6. On or about May 3, 2023, the Greece Police Department ("GPD") responded to a certain address located in the Western District of New York, for the report of a domestic disturbance. Upon arrival, GPD learned that the reporting parties had discovered a sexually explicit video on a twelve-year-old girl's phone (hereinafter "Cooperating Witness 1" or "CW1"). The witnesses indicated that CW1 received the video from her friend, an eleven-year-old girl (hereinafter "Minor Victim 1" or "MV1"). CW1 and MV1 both attend school in the Spencerport School District.

7. GPD subsequently met with the fathers of the two girls at the police precinct. According to the witnesses, MV1 had been talking with a male on Snapchat whom MV1 knew as "Matt Eckler" and who sent MV1 a video of a male masturbating.

8. On or about June 12, 2023, members of GPD conducted minimal facts interview with CW1 who, in sum and substance, stated that Snapchat accounts with usernames “matteckler” and “mikeywikey37” had been contacting her and MV1.

9. MV1 was ultimately interviewed at the Bivona Child Advocacy Center located in Rochester, New York. During that interview, MV1 disclosed that her friend had met a male on Snapchat who claimed to be a high school student in the Spencerport School District. This male friended MV1 on Snapchat and on more than one occasion he sent her pictures of his penis and videos of himself masturbating. MV1 identified the male as having multiple accounts on Snapchat because he went by the names “Matt Eckler” and “Mike Eckler.” MV1 reported being manipulated by the male into sending a picture *via* Snapchat of herself in a tank top.

10. MV1 provided GPD with two additional digital devices that she utilized to communicate with “Matt Eckler” through Snapchat. A review of one of the devices revealed multiple screen captures between MV1 and “Matt Eckler” within Snapchat. Below is a summary of some of the messages sent by “Matt Eckler”:

- a. “Oh fuck Are you sure I can’t see real Quick I’m so ready I’m going to cum I’m so hard”
- b. “Oh fuck let me see them real quick”
- c. “Oh fucckkkkkkk All the way out I’m going to cum”
- d. “Omg I can’t believe how big they are All the way out”
- e. “One more then, pull that bra all the way down”
- f. “My dick is so hard and I’m Going to Cum”

11. Located in the camera roll of the same digital device were multiple screen-captured photographs from Snapchat user “Matt Eckler” that display an erect penis with a hand holding the penis. Within the background of the photos, living spaces, rugs, chairs, and flooring are visible.

12. GPD confirmed with Spencerport District Security that there are no individuals by the name “Matt Eckler” that attend school in the district.

Execution of Search Warrants on Snapchat Accounts

13. On or about June 15, 2023, GPD obtained a warrant from Monroe County Court Judge Hahn to search the Snapchat accounts “matteckler” and “mikeywikey37” for evidence of endangering the welfare of a child, in violation of New York State Penal Law § 260.10.

14. GPD subsequently executed the search warrant on the Snapchat accounts “matteckler” and “mikeywikey37.” Among the items included in the search warrant return from Snapchat Inc. were photographs depicting a juvenile male. GPD used open source and social media applications to identify this juvenile male. GPD subsequently interviewed this juvenile male who, in sum and substance, had no knowledge of the Snapchat accounts “matteckler” and “mikeywikey37” and denied distributing any lude photographs. The juvenile reported that he did not have a Snapchat account at the time of the interview and that, when he did have a Snapchat account, it was under his real name, which is not “Matt Eckler.” GPD noted that photographs utilized of this juvenile within the two accounts were publicly available photos that could be obtained on the internet.

Snapchat Account “matteckler”

15. According to the search warrant return provided by Snapchat Inc., the subscriber information for the account “matteckler” is:

Username: matteckler

Display: Matt Eckler

Verified Email: mattmike2083@gmail.com

Created: Sun Jan 29 02:12:12 UTC 2023

Creation IP: 45.46.204.216 (hereinafter the “SUBJECT IP 1”)

16. Snapchat Inc. also provided a list of IP addresses that had been used to access the “matteckler” Snapchat account. Two of those IP addresses were SUBJECT IP 1 and 174.208.47.107 (hereinafter “SUBJECT IP 2”).

17. A further review of the IP address log provided by Snapchat Inc. revealed that SUBJECT IP 1 was utilized to access this account approximately 1,431 times. Furthermore, SUBJECT IP 1 was used to access the account every day between April 10, 2023, and June 14, 2023.

18. The subscriber information also included the application version, which listed the users most recently used app version as IOS 12.25.0. Contained in the IP data was “user_agent” which Snapchat defined as the version of the Snapchat application, web browser, and/or device information. The “user_agent” for Snapchat user “matteckler” revealed the device information as being “iphone9.”

19. In the course of this affiant reviewing this Snapchat search warrant return, I observed numerous of conversations between “matteckler” and other Snapchat users who indicated that they are minors. Below is a summary of some of those conversation:

a. Snapchat User 1:

Snapchat User 1	“You look way older than me lolll”
matteckler	“How old are you?”
Snapchat User 1	“Middle School”
matteckler	“I’m not that much older than I’m 9 th ”
Snapchat User 1	“How old r u”
matteckler	“15”
	“You look wayyyyyyyyy older than you are”
	“Is that really you in the profile”
Snapchat User 1	“I’m only 13 (possible emoji)”

b. Snapchat User 2:

Snapchat User 2	“how old are u btw?”
matteckler	“Just turned 16?”
	“Hbu”
	“Yw”
Snapchat User 2	“14”
matteckler	“Why do you save everything?”

c. Snapchat User 3:

matteckler	“Ya I used to go to your school”
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matteckler	“I went to Spencerport but my mom is a teacher and we moved to Henrietta” “I would literally die for pics of you” “I want to do something bad” “A few naughty ones” “I’m being an asshole ik but I’m so ready”
Snapchat User 3	“I’m sick of people using me for my body” “JUST LEAVE ME ALONE IM SO FUCKING TIRED OF THIS SHIT” “Why you sound like a grown man”

Snapchat Account “mikeywikey37”

20. According to the search warrant return provided by Snapchat Inc., the subscriber information for “mikeywikey37” is:

Username: mikeywikey37
Old Value: mikeeck6969
Display: Mike
Verified Email: mikematteckler@gmail.com
Created: Mon Jan 30 01:42:53 UTC 2023
Creation IP: 2600:1017:b120:6bc1:6dca:ba8d:456a:7b10

21. Snapchat Inc. further provided a list of IP addresses that had been used to access the “mikeywikey37” Snapchat account. Among the IP addresses listed were SUBJECT IP 1 and SUBJECT IP 2.

22. A further review of the IP address log provided by Snapchat Inc. revealed that SUBJECT IP 1 was utilized to access this account approximately 1,340 times. Furthermore, SUBJECT IP 1 was used to access this account every day from April 10, 2023 through April 20, 2023, April 22, 2023 through April 30, 2023, and May 3, 2023 through June 13, 2023.

23. Observed in the subscriber information included the application version, which listed the users most recently used app version as IOS 12.25.0. Contained in the IP data was “user_agent” which Snapchat defined as the version of the Snapchat application, web browser, and/or device information. The “user_agent” for Snapchat user “mikeywikey37” revealed the device information as being “iphone9.”

24. In the course of this affiant reviewing this Snapchat search warrant return, I observed numerous conversations between “mikeywikey37” and Snapchat users who indicated that they are minors. Below is a summary of the communications with a specific Snapchat user who identifies herself as a twelve-year-old girl (hereinafter “Minor Victim 2” or “MV2”):

a. Snapchat User MV2:

mikeywikey37	“I miss your boobs lol”
	“Stop saving everything your going to get me in trouble”
	“Let me see everything! (possible emoji) I adore you”
	“Can I get a close up of boobs and a close up of pussy and im done onggg”

mikeywikey37 “Could you do like one now and one later when
you are done with your cuz?”

Snapchat MV2 “let me take them”
“brb”
“Im gonna take one w/bra on and one workout”
“*without”

Snapchat MV2 “I didn’t have to say bye. you only texted when
you wanted nudes”
“you could start by not only asking for nudes and
acting like im a human”

mikewikey37 “And we sent nudes to each other and had fun so
that’s not fair”

Snapchat MV2 “I didn’t have fun”
“i was uncomfortable”
“you basically made me”
“i thought you would break up with me if i didn’t”

25. On or about May 7, 2023, Snapchat User MV2 sent approximately seven images to “mikeywikey37” that are visible in the photos and media section of the Snapchat return. In these seven images, MV2 appears to be approximately 11-13 years of age. In one of the images, MV2 is wearing a blue sweatshirt that appears to read “Spencerport” and “Rangers.” This image appears to be taken in a school cafeteria with children ages approximately 9-14 visible in the background.

26. On or about May 8, 2023, Snapchat User MV2 sent “mikewikey37” approximately three images of a female torso with a bra on. On this same date, Snapchat User MV2 sent “mikewikey37” another five images exposing her breasts and two images of herself naked, exposing her breasts and vagina.

27. On or about May 10, 2023, Snapchat User MV2 sent “mikeywikey37” four images with a bra on and one image exposing her breasts. On this same date, at approximately 1:37 AM UTC, Snapchat User MV2 also sent “mikeywikey37” what appears to be the same two images from May 8, 2023, of herself naked, exposing her breasts and vagina.

28. I have reviewed the images that Snapchat User MV2 sent to “mikeywikey37” and, based on my training and experience, I believe that the images in which MV2’s vagina is exposed constitute child pornography as defined by 18 U.S.C. § 2256(8).

29. According to the IP logs, “mikeywikey37” was logged into Snapchat utilizing SUBJECT IP 1 on May 10, 2023, when the account received the images of child pornography from Snapchat User MV2.

Identification of the SUBJECT PREMISES

30. A subpoena was issued to internet service provider Charter for subscriber information related to the SUBJECT IP 1. In response, Charter provided the following subscriber information for SUBJECT IP 1:

Subscriber Name: [MILAM’S WIFE]

Address of Service: [the “SUBJECT PREMISES”]

Lease Log: Start Date: 12/13/2017 02:06 PM

End Date: 07/12/2023 04:40 AM

31. A subpoena was also issued to Verizon for subscriber information related to SUBJECT IP 2. In response, Verizon provided a list of MSISDN (cell phone numbers) that connected to SUBJECT IP 2. The list of phone numbers connected to SUBJECT IP 2 included the phone number (585) 474-8932. This phone number was connected to SUBJECT IP 2 twice on June 12, 2023.

32. An additional subpoena was issued to Verizon for the phone number (585) 474-8932, which yielded the following results:

Subscriber Name: IAN MILAM

MTN Effective Date: 12/18/2012

33. This affiant compared (a) Verizon's information regarding when the phone number (585) 474-8932 was connected to SUBJECT IP 2 and (b) Snapchat's information regarding when SUBJECT IP 2 was used to access the accounts "matteckler" and "mikeywikey37." The records indicated that someone using the phone number (585) 474-8932 and connected to SUBJECT IP 2 accessed the accounts on the following dates:

Snapchat: matteckler

IP: 174.208.47.107 (*i.e.*, SUBJECT IP 2)

App_login_username: Mon Jun 12 19:07:21 UTC 2023

Logout: Mon Jun 12 19:56:39 UTC 2023

App_login_username: Mon Jun 12 20:25:26 UTC 2023

Logout: Mon Jun 12 20:26:50 UTC 2023

Snapchat: mikeywikey37

IP: 174.208.47.107 (*i.e.*, SUBJECT IP 2)

Logout: Mon Jun 12 19:07:01 UTC 2023

App_login: Mon Jun 12 19:57:00 UTC 2023

Logout: Mon Jun 12 20:25:07 UTC 2023

34. According to the New York State Department of Motor Vehicles, IAN MILAM's driver's license and vehicle are both registered to the SUBJECT PREMISES.

35. MILAM is sixth grade math teacher at Cosgrove Middle School, within the Spencerport School District.

Execution of a Search Warrant at the SUBJECT PREMISES

36. Based on the above, on or about August 8, 2023, your affiant obtained a warrant to search the SUBJECT PREMISES. The warrant was executed the next day, on or about August 9, 2023, by members of the FBI with the assistance of GPD and the Monroe County Sheriff's Office ("MCSO"). MILAM was present at the SUBJECT PREMISES and was interviewed on the front porch by an Agent and a GPD Investigator.

37. While on the front porch, MILAM confirmed that he is the owner of the Snapchat accounts "matteckler" and "mikeywikey37." MILAM explained that he utilized the Snapchat accounts to communicate with females. MILAM confirmed that (585) 474-8932 was his phone number. MILAM confirmed that he utilized photographs that depicted a juvenile male to portray himself as someone else online. MILAM denied knowing the identity of the juvenile male whose photographs he used.

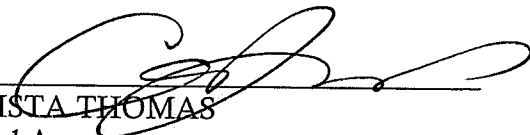
Identification of MV2

38. Following the execution of the search warrant, an FBI Task Force Officer and two GPD Investigators located MV2's parents. MV2's parents positively identified MV2 as the child depicted in the photographs referenced above and confirmed that she was either 11 or 12 years old when the photographs were taken.


39. It was later determined that MILAM was MV2's 6th grade math teacher during the 2022-2023 school year.

CONCLUSION

40. Based upon the forgoing, I respectfully submit that probable cause exists to believe that MILAM knowingly committed the TARGET OFFENSES.


CHRISTA THOMAS
Special Agent
Federal Bureau of Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on August 9, 2023.


HON. MARK W. PEDERSEN
United States Magistrate Judge